REMARKS

I.   General

Claims 1-5, 7-14, 16-18, and 20-22 are currently pending, and all are rejected by the Office Action mailed July 16, 2004. Claims 1 and 4 are amended by this response. The issues raised in the current Office Action are as follows:

- Claims 1-5 and 8-12 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,182,249 (hereinafter, *Wookey*).

- Claims 13, 16-18, and 20-22 are rejected under 35 U.S.C. §103(a) as being obvious over *Wookey*.

- Claims 7 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Wookey* in view of Transact-SQL User's Guide, Copyright 1996 (hereinafter, *Sybase*).

Applicants hereby traverse the outstanding rejections and request reconsideration and withdrawal in light of the remarks and amendments contained herein.

II.   Rejections Under 35 U.S.C. §102

On pages 3-8 of the Office Action, claims 1-5 and 8-12 are rejected under 35 U.S.C. §102(e) as being anticipated by *Wookey*.

A.   Claims 1-3, 5, and 8-12

Amended claim 1 recites, in part, "using by said reporting application said query for querying said system, as specified by said request, for existence of said condition of said attribute." Applicant asserts that *Wookey* does not teach, at least, the above-recited feature of claim 1. Instead of querying, the monitoring system of *Wookey* passively receives test results from the monitored computer. *Wookey* teaches at Col. 4, lines 6-9, "The diagnostic tests 116, 118, 120, 122, and 124 are run on the computer system 102 under the control of monitor control software 126, 128, 130, 132, and 134. The results of those diagnostic tests are automatically provided at periodic intervals to the computer system 100 which monitors computer system 102." In other words, results of the tests are provided automatically and at

periodic intervals to the monitoring computer. Thus, according to the teaching of *Wookey*, the monitoring system does not query the monitored system. Instead, the monitoring system passively receives the test data from the monitored system.

To the extent that the test is performed to generate the received results, such test is not performed as specified by a received request, as is the query of claim 1, because there is no teaching in the cited passages of *Wookey* that tokens or alerts affect the tests performed by the monitored system or the information received by the monitoring system. In fact, *Wookey* teaches that alerts are not used until after the monitoring system has transformed the received test results into a host state, which illustrates that the alerts cannot be used to query the system because they are used only *after* the test results have been received. See Abstract. It should be noted that the alerts are limited as to what they can monitor because they can only monitor predefined results that the system provides. Accordingly, *Wookey* does not teach the above-recited feature of claim 1.

Dependent claims 2, 3, 5, and 8-12 each depend either directly or indirectly from independent claim 1 and, thus, inherit all of the limitations of independent claim 1. Thus, *Wookey* does not teach all claim limitations of claims 2, 3, 5, and 8-12. It is respectfully submitted that dependent claims 2, 3, 5, and 8-12 are allowable at least because of their dependence from claim 1 for the reasons discussed above. It is respectfully requested that the rejection of claims 1-3, 5, and 8-12 be withdrawn and those claims passed to issue.

B.   Claim 4

Amended claim 4 recites, in part, "using said query for querying said system, as specified by said request, for existence of said condition of said attribute." *Wookey* does not teach, at least, the above-recited feature of claim 4. As explained above with regard to claim 1, instead of querying, the monitoring system of *Wookey* passively receives test results from the monitored computer. *Wookey* teaches at Col. 4, lines 6-9, that the results of the tests are provided, automatically and at periodic intervals, to the monitoring computer. Thus, according to the teaching of *Wookey*, the monitoring system does not query the monitored system. Instead, the monitoring system passively receives the test data from the monitored system.

To the extent that the test is perform to generate the received results, such test is not performed as specified by a received request, as is the query of claim 4, because there is no teaching in the cited passages of *Wookey* that tokens or alerts affect the tests performed by the monitored system or the information received by the monitoring system. In fact, *Wookey* teaches that alerts are not used until after the monitoring system has transformed the received test results into a host state, which illustrates that the alerts cannot be used to query the system because they are used only *after* the test results have been received. See Abstract. Accordingly, *Wookey* does not teach the above-recited feature of claim 4.

III.   Rejections Under 35 U.S.C. §103 in View of Wookey, as Modified

On pages 9-13 of the Office Action, claims 13, 16-18, and 20-22 are rejected under 35 U.S.C. §103(a) as being obvious over *Wookey*. Applicant traverses this rejection.

To establish a prima facie case of obviousness under 35 U.S.C. § 103(a), three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the applied reference. Second, there must be a reasonable expectation of success. Finally, the applied reference must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143. Without conceding any other criteria, Applicant respectfully asserts that the rejection does not satisfy the third criterion, as discussed further below.

A.   Claims 13, 16, and 17

Claim 13 recites, in part, "computer executable software code for querying said system as specified by said request." *Wookey* does not teach or suggest, at least, the above-recited feature of claim 13. On page 11, the Office Action admits that *Wookey* does not explicitly teach the feature. In an attempt to cure this deficiency, the Office Action points out that alerts include tokens and that each token contains a test name; therefore each alert contains a test name. The Office Action then states that, because each alert contains a test name, querying the system must be specified in the alert. Even if the Office Action's assertion that alerts contain test names is correct, *Wookey* does not teach or suggest the above-recited feature. Rather, instead of querying, the monitoring system of *Wookey* passively receives test results. *Wookey* teaches at Col. 4, lines 6-9, "The diagnostic tests 116, 118, 120, 122, and 124 are run on the computer system 102 under the control of monitor

control software 126, 128, 130, 132, and 134. The results of those diagnostic tests are automatically provided at periodic intervals to the computer system 100 which monitors computer system 102." In other words, results of the tests are provided automatically and at periodic intervals to the monitoring computer. Thus, according to the teaching of *Wookey*, the monitoring system does not query the monitored system. Instead, the monitoring system passively receives the test data from the monitored system.

To the extent that the test is performed to generate the received results, such test is not performed as specified by a received request, as is the query of claim 13, because there is no teaching in the cited passages of *Wookey* that tokens or alerts affect the tests performed by the monitored system or the information received by the monitoring system. In fact, *Wookey* teaches that alerts are not used until after the monitoring system has transformed the received test results into a host state, which illustrates that the alerts cannot be used to query the system because they are used only *after* the test results have been received. See Abstract. Thus, even though test names may be included in the alarms, the alarms do not perform "querying said system as specified by said request." Accordingly, *Wookey* does not teach or suggest the above-recited feature of claim 13.

Dependent claims 16, 17, and 21 each depend from independent claim 13 and, thus, inherit all of the limitations of independent claim 13. Thus, *Wookey*, as modified, does not teach or suggest all claim limitations of claims 16, 17, and 21. It is respectfully submitted that dependent claims 16, 17, and 21 are allowable at least because of their dependence from claim 13 for the reasons discussed above. It is respectfully requested that the rejection of claims 13, 16, 17, and 21 be withdrawn and those claims passed to issue.

B.　　Claim 18

Claim 18 recites, in part, "computer executable software code for querying said system as specified by said request." *Wookey*, as modified, does not teach or suggest the above-recited feature of claim 18. As explained above with regard to claim 13, even if the Office Action's assertions are correct, *Wookey* does not teach or suggest the feature. Rather, instead of querying, the monitoring system passively receives test results. *Wookey* teaches at Col. 4, lines 6-9, that the results of the tests are provided, automatically and at periodic intervals, to the monitoring computer. Thus, according to the teaching of *Wookey*, the

monitoring system does not query the monitored system. Instead, the monitoring system passively receives the test data from the monitored system.

To the extent that the test is perform to generate the received results, such test is not performed as specified by a request, as is the query of claim 18, because there is no teaching in the cited passages of *Wookey* that tokens or alerts affect the tests performed by the monitored system or the information received by the monitoring system. In fact, *Wookey* teaches that alerts are not used until after the monitoring system has transformed the received test results into a host state, which illustrates that the alerts cannot be used to query the system because they are used only *after* the test results have been received. See Abstract. Accordingly, *Wookey*, does not teach or suggest the above-recited feature of claim 18. Therefore, it is respectfully requested that the rejection of claim 18 be withdrawn and that claim allowed.

Dependent claims 20 and 22 each depend from independent claim 18 and, thus, inherit all of the limitations of independent claim 18. Thus, *Wookey* does not teach or suggest all claim limitations of claims 20 and 22. It is respectfully submitted that dependent claims 20 and 22 are allowable at least because of their dependence from claim 18 for the reasons discussed above. It is respectfully requested that the rejection of claims 13, 20, and 22 be withdrawn and those claims passed to issue.

IV.   Rejections Under 35 U.S.C. §103 Over Wookey in View of Sybase

On pages 13-16 of the Office Action, claims 7 and 14 are rejected under 35 U.S.C. §103(a) as being obvious over *Wookey* in view of *Sybase*. Applicant traverses this rejection.

Claim 7 recites, in part, "querying said system as specified by said request." The combination of *Wookey* and *Sybase* does not teach, at least, the above-recited feature of claim 7. As explained above with regard to claim 13, even if the Office Action's assertions are correct, *Wookey*, as modified, does not teach the feature. Rather, instead of querying, the monitoring system of *Wookey* passively receives test results. *Wookey* teaches at Col. 4, lines 6-9, that the results of the tests are provided, automatically and at periodic intervals, to the monitoring computer. Thus, according to the teaching of *Wookey*, the monitoring system does not query the monitored system. Instead, the monitoring system passively receives the test data from the monitored system.

To the extent that the test is perform to generate the received results, such test is not performed as specified by a request, as is the query of claim 7, because there is no teaching in the cited passages of *Wookey* that tokens or alerts affect the tests performed by the monitored system or the information received by the monitoring system. In fact, *Wookey* teaches that alerts are not used until after the monitoring system has transformed the received test results into a host state, which illustrates that the alerts cannot be used to query the system because they are used only *after* the test results have been received. See Abstract. Accordingly, *Wookey*, as modified, does not teach or suggest the above-recited feature of claim 7.

The Office Action does not rely of *Sybase* to teach the missing feature, and therefore, the combination of *Wookey* and *Sybase* does not teach or suggest all claim limitations. Thus, it is respectfully requested that the rejection of claim 7 be withdrawn and that claim allowed.

Dependent claim 14 depends from independent claim 13 and, thus, inherits all of the limitations of independent claim 13. Thus, *Wookey*, as modified, does not teach or suggest all claim limitations of claim 14. The Office Action does not rely of *Sybase* to provide the missing feature, and therefore, the combination of *Wookey* and *Sybase* does not teach or suggest all claim limitations of claim 14. It is respectfully submitted that dependent claim 14 is allowable at least because of its dependence from claim 13 for the reasons discussed above. It is respectfully requested that the rejection of claim 14 be withdrawn and that claim passed to issue.

V.   Conclusion

In view of the above arguments, Applicants believe the pending application is in condition for allowance.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2025, under Order No. 10990763-2 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Label No. EV 482738564US in an envelope addressed to:M/S Amendment, Commissioner for Patents, Alexandria, VA 22313.

Date of Deposit: October 14, 2004

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